

REMARKS

This disclosure relates in general to digital clock generation, and, in particular, to the generation of a multiple-phase clock signal.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by White et al. (US 2002/0038461). Applicants respectfully traverse these rejections.

To anticipate a claim under 35 U.S.C. §102(e), the reference must teach each and every limitation of the claim. *See* M.P.E.P. §2131. As to claim 1, White et al. do not teach every limitation of claim 1.

White et al. describes a radio frequency communication redundancy. The key elements of White et al.'s redundancy include 1) active CMTSs, such as CMTS 12₂; 2) diagnostic Cable Modems such as CM 90₂ associated with each CMTS 12₂; and spare CMTS such as CMTS 16 associated with each active CMTS 12₂. The active CMTS 12₂ sends periodic synchronization messages to the associated diagnostic modem CM 90₂, which keep track of the periodicity of the synchronization messages by activating a timer. When the active CMTS 12₂ fails to send synchronization messages, then the diagnostic modem first confirms a failure with the active CMTS 12₂ by sending an error signal to the active CMTS 12₂. In response, the active CMTS 12₂ asserts a protection signal to the spare CMTS 16. In response to the protection signal, the spare CMTS 16 moves to an active stage and asserts protection complete signal to the active CMTS 12₂. Then, the active CMTS 12₂ resets the spare CMTS 16 and provides the spare CMTS 16 all of its parameters, which the spare CMTS 16 uses to synchronize itself with the HFC and the system and takes over active CMTS 12₂'s function (*see* paragraphs 0068 – 0071)

Applicants would like to request the Examiner to specifically notice the following:

1. The active CMTS 12₂ sends the synchronization messages to the diagnostic modem 90₂ and not the spare CMTS 16 (*see* paragraph 0068).

2. The synchronization messages are not sent to synchronize any unit but instead they are used to detect a CMTS non-activity indication (or transmit failure) (see paragraph 0068, elements 102 and 104 of figure 14).
3. The spare CMTS 16 does not synchronize itself with the parameters of the active CMTS 12₂ until after exchanging protection signals with the active CMTS 12₂ and becoming active first (see paragraph 0070 – 0071 and element 106 in figure 14).

Further, Applicants would like the Examiner to note that White et al.'s redundancy scheme requires synchronization after the spare CMTS 16 has become active, which cause delay in the transmission, the problem Applicants described in the existing systems in the specification.

In a complete contrast to White et al.'s scheme, claim 1 recites circuitry connected to the first and second components for connecting the first comparator to provide the reset signal to the second reset circuit. White et al. does not teach this limitation. The Examiner has cited resetting of the spare CMTS 16 by the CMTS 12₂ as reset signal to the second reset circuit. Applicants respectfully point to the Examiner that claim 1 recite providing the reset signal periodically to the standby CMTS circuitry. Claim 1 has been amended to further clarify this aspect. White et al. does not teach this limitation and thus does not anticipate claim 1. Accordingly, claim 1 is patentably distinguishable from White et al.

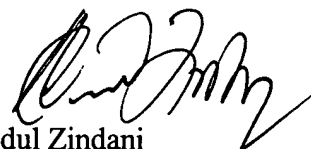
Claim 2 has been canceled thus the rejection of claim 2 has rendered moot.

As to claim 3, the Examiner has stated that "[t]he claimed **resetting the second component timer when the first timer has reached a designated count**" is met as discussed in claim 1." (Emphasis added) Applicants respectfully point to the Examiner that in the cited sections, White et al. does not describe periodically resetting the spare CMTS. As explained above, the spare CMTS 16 is reset only after becoming active. Therefore, White et al. do not teach each and every limitation of claim 3. Accordingly, claim 3 is patentably distinguishable from White et al.

Applicants have added new claims 4-9. Applicants request the Examiner to consider these claims in light of the explanation provided for patentability of claims 1 and 3.

Applicant believes this application and the claims herein to be in a condition for allowance. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicant.

Respectfully submitted,



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